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APR 13 2007

Application No. 09/766,727

**REMARKS****I. Summary Of The Restriction Requirement**

Claims 1-3, 6, 10-11, 15-25, and 27-31 were subject to a Restriction Requirement imposed by the Examiner on January 16, 2007. Claims 1, 6, and 27 are the independent claims.

In the Restriction Requirement, the Examiner grouped the claims as follows:

| Groups   | Relevant Claims                |
|----------|--------------------------------|
| Group I  | 1-3, 15-16, and 18-20          |
| Group II | 6, 10-11, 17, 21-25, and 27-31 |

**II. Request for Reconsideration of the Restriction Requirement**

In the Restriction Requirement of January 16, 2007, the Examiner states that two distinct inventions are present in the application, that the inventions are related as subcombinations disclosed as usable together in a single combination, and that subcombination I has separate utility such as being used for conducting real estate leasing transactions without the use of more than two parties.

Applicant traverses the Restriction Requirement asserted by the Examiner in the present application. Applicant submits that the Examiner failed to establish two-way distinctness between the groups and reasons for insisting on the restriction, as set forth in more detail below.

**A. The Examiner's Burden to Support a Restriction Requirement of an Alleged Combination/Subcombination**

To support a Restriction Requirement, the Examiner must show both (1) two-way distinctness and (2) reasons for insisting on restriction, i.e., separate classification, status, or field of search. See MPEP §§ 806.05(c) and 808.02. Applicant submits that the Restriction Requirement mailed January 16, 2007 is improper because the Examiner has not established either of the requirements for supporting a Restriction Requirement.

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**1. The Examiner Failed to Establish Two-Way Distinctness of the Inventions Because the Examiner did not Show that a Subcombination has Utility Either by Itself or in Other and Different Relations**

Inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability, and (B) the subcombination can be shown to have utility either by itself or in other and different relations. See MPEP § 806.05(c). The burden is on the Examiner to suggest an example of separate utility for each subcombination, which utility must be other than used in the combination. See MPEP § 806.05(c), Examiner Note No. 3 and subsequent paragraph. In the restriction requirement mailed January 16, 2007, the Examiner states "subcombination I has separate utility such as being used in conducting real estate leasing transactions without the use of more than two parties."

Applicants submit that the Examiner's statement does not set forth an example of separate utility. For example, Claim 1 of Group I could involve 2 parties or it could involve more than 2 parties. Claim 2, which depends from Claim 1 and is also in the Examiner's Group I, identifies many of the parties that could be involved with the system recited in Claim 1, including a site visit agent. Furthermore, Applicants submit that limiting the system recited in Claim 1 to two parties is not an example of separate utility. Therefore, Applicants respectfully submit that the Examiner has not met the requirements for two-way distinctness and that the Restriction Requirement is improper and should be withdrawn.

**2. The Examiner Failed to Establish Reasons for Insisting on Restriction, i.e., Separate Classification, Status, or Field of Search**

The Examiner provided insufficient reasons for insisting that restriction between the inventions defined by Groups I and II is necessary. MPEP § 808.02 states that the Examiner must show one of the following to establish reasons for insisting upon restriction: (1) separate classification thereof; (2) a separate status in the art when they are classifiable together; or (3) a different field of search. First, separate classification has not been met, as the Examiner has classified the Groups I and II in the same class and subclass, namely Class 705, subclass 38. Second, the Examiner has failed to establish a separate status in the art when the inventions are classifiable together. MPEP § 808.02 states that separate status in the art may be shown by

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citing patents which are evidence of such separate status. The Examiner has not cited any patents to give evidence of separate status; therefore, the Examiner has not established a separate status of the inventions.

Third, the Examiner has not explained why a separate field of search is required for the inventions defined by Groups I and II. Applicant respectfully submits that a different field of search is not required for Groups I and II. A different field of search is required where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists. See MPEP § 808.02. Specifically, Applicant respectfully submits that the same field of search will be required between Groups I and II because claims from both groups relate to and identify real estate property lease transactions in a computing environment.

The Examiner has distinguished between Groups I and II on the basis of the site visit agent. However, the site visit agent is just one example of the many different parties that may be involved in the real estate transaction. Claims 2, 3, 18, 19, 20, 22, and 23 also recite other parties, such as deal agents and various specialists, that may be involved in the real estate transaction. However, the Examiner has not placed each of these claims in a distinct group. Therefore, as stated in Section 808.02 of the MPEP, "Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions." Accordingly, Applicant submits that the Examiner has failed to establish sufficient reasons for insisting on restriction between the inventions defined by Groups I and II.

Applicant has addressed only the issues deemed most relevant at this point in rebutting the Restriction Requirement. Applicant's decision not to address any requirement for a Restriction Requirement is not an admission that such requirement is met by the Examiner's Restriction Requirement mailed January 16, 2007. Applicant reserves the right to address additional issues in future correspondence.

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ELECTION

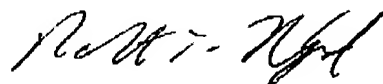
Applicant proposes that Claim 2 should be moved from Group I, as the Examiner proposes, to Group II because it recites a site visit agent. In order to be responsive to the requirement, the Applicant hereby elects, WITH TRAVERSE, Group II (Claims 6, 10-11, 17, 21-25, and 27-31) for prosecution on the merits in this application and proposes that Claim 2 be added to Group II. The Examiner is respectfully requested to reconsider the Restriction Requirement and act on all of the claims in the present application. If the Examiner does persist in the Restriction Requirement, Applicant reserves the right to file a petition and/or to file a divisional application directed to the Group I claims at a later date if Applicants so desire.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed January 16, 2007. Applicant has submitted remarks to traverse the Restriction Requirement. Examination of all the claims of record is hereby courteously solicited.

If the Examiner believes that any issues exist that can be resolved by telephone conference, or that any formalities exist that can be corrected by an Examiner's Amendment, please contact the undersigned at (404) 572-3505.

Respectfully submitted,



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